

property or tangible personal property of the kind necessary for the safe and efficient operation of rail freight service.

"(3) Trackage rights secured by the State for a railroad.

"(4) The cash equivalent of State salaries for State public employees working in the State rail freight assistance program, but not including overhead and general administrative costs. A State may provide more than its required percentage share of the

cost of its rail freight assistance program. If a State, or any

person on behalf of a State, provides more than such State's percentage

share of the cost of its rail freight assistance program during

any fiscal year, the amount in excess of such share shall be applied

toward such State's share of the costs of its program for subsequent

fiscal years.

"(f) A State seeking financial assistance for rail freight projects described in subsection (b) shall apply, in the form required by the Secretary for such assistance by January 1 of the fiscal year for which the funds have been appropriated, except in fiscal years in which authorizations of appropriations have not been enacted as of the first day of the fiscal year, in which case application must be made within 90 days after the date of enactment of legislation authorizing appropriations for that fiscal year. In considering applications for rail freight assistance projects under subsection (b), the Secretary shall consider the following:

"(1) The percentage of lines identified to the Interstate Commerce Commission by rail carriers for potential abandonment or potential abandonment within a State.

"(2) The likelihood of future abandonments within a State.

"(3) The ratio of benefits to costs for a proposed project calculated in accordance with the methodology established by the Secretary under subsection (n).

"(4) The likelihood that the line will continue operating with rail freight assistance.

"(5) The impact of rail bankruptcies, rail restructuring, and

rail mergers on the State applying for assistance. (g) On the first day of the fiscal year, each State shall be entitled

to \$36,000 of the funds available for expenditure pursuant to subsection

(a) of this section during the fiscal year to meet the cost of

establishing, implementing, revising, and updating the State rail

plan required by subsection (a) of this section, or to carry out

projects described in subsection (b) (1), (2), or (3), as designated by the

State, if such projects meet the requirements of

subsection (c)(2).
Each State must apply for such funds on or before the first day of the fiscal year, except in fiscal years in which authorizations of appropriations have not been enacted as of the first day of the fiscal year. In which case application must be made within 60 days after the date of enactment of legislation authorizing appropriations for that fiscal year. Upon receipt of an application under this subsection, the Secretary shall consider the application and notify the State submitting such an application as to its approval or disapproval within 60 days. Funds provided under this subsection shall remain available to a State for obligation for the first 3 months after the end of the fiscal year for which such funds have been made available. Any funds which have not been timely applied for under this subsection, or which have remained unobligated after the expiration of the period described in the previous sentence, shall be made available to the Secretary for rail freight assistance projects meeting the requirements of this section.